

REMARKS

Claims 1, 3-5, 10-14 and 16-28 remain in this application. Claims 16-28 stand withdrawn from consideration as directed to a non-elected invention. Applicant respectfully requests entry of this amendment on the grounds that it places the application in condition for allowance or reduces the issues for appeal.

A request for a one-month extension of time to respond is submitted herewith. A request for continued examination is submitted herewith.

Claims 1, 3 and 10 were rejected under 35 U.S.C. §102(b) as anticipated by *Lawrence et al.* (US 5,553,708). Applicant respectfully traverses.

Lawrence is directed to a shipping container for shipping a plurality of spent fluorescent tubes, for example, 60 lamps (*Lawrence* column 5, lines 22-25). The *Lawrence* shipping container consists of an external paper box (20), a plurality of sleeves, i.e., 64 sleeves (22), and a plastic bag (26) for lining the entire paper container (20). A pair of shock absorbent end pads (24) are located inside the plastic bag (26) at the ends before the plastic bag is tied off by a cable strap (28) (*Lawrence* column 4, lines 11-17).

Container (20) is constructed of paperboard such as corrugated craft (*Lawrence* column 4, lines 18-19). The flexible bag (26) is a durable 4-mil thick polyethylene bag (*Lawrence* column 4, lines 47-50). The end pads (24) are rectangular slabs that include a layer of foam sized to fit snugly inside the four side walls of the container (20). These end pads are thicker than the length of the protruding end pins on the tubes (*Lawrence* column 4, lines 56-64). The plurality of sleeves, preferably up to 64, are disposed in the bag with the sleeves (22) standing on the lower pad (24). The sleeves (22) are made out of a spirally wound strip of paperboard into a smooth tube (*Lawrence* column 4, lines 65-68, column 5, lines 1-4). The foam (54) of the end

pads are adapted to occupy each open end of a sleeve to sufficiently form a seal with the end of the sleeve in order to capture any pieces of broken lamp, including shards of glass and phosphor granules and so on (*Lawrence* column 5, lines 63-67).

Lawrence does not disclose or contemplate a disposal container for spent light bulbs that has “a seamless tube of puncture-resistant plastic adapted to contain only one light bulb having an open end and sealed at the other end; and means for sealing the open end after a spent light bulb is inserted inside the tube for providing a glass shard puncture-resistant gas impervious container.”

With respect to claim 3, *Lawrence* does not disclose or contemplate “an insert for absorbing the gases released from a broken light bulb.” Column 5, lines 63-67 of *Lawrence* simply recites that the foam (54) forms a seal with the ends of the cardboard sleeves (22) to retain any broken shards of glass or phosphor (granules). This is hardly the disclosure of a gas absorbing structure.

With respect to claim 10, *Lawrence* does not disclose or contemplate “the tube comprises a puncture-resistant light mil plastic with a heavy paper lining.” The cardboard sleeves (22) of *Lawrence* are not puncture-resistant light mil plastic. They are spirally wound strips of paperboard finished to form a smooth tube. Nor does any smooth tube (22) line a puncture-resistant light mil plastic. Rather, *Lawrence* teaches placing a plurality, i.e., 64, of such tubes (22) in a single plastic container (20).

Applicant respectfully requests that this rejection be withdrawn.

Claim 11 was rejected under 35 U.S.C. §103(a) as unpatentable over *Lawrence et al.* Applicant respectfully traverses.

Lawrence does not teach or contemplate having a seamless tube of puncture-resistant plastic being 2-mils thick adapted to contain only one light bulb which is lined with a heavy paper liner. *Lawrence's* paper tubes (22) do not line a plastic tube. *Lawrence's* tubes (22) are assembled together in a group of 64 before being placed into a single plastic bag. The difference between the claimed invention and the *Lawrence* teaching is more than a difference of thickness of material.

Applicant respectfully requests that this rejection be withdrawn.

Claims 4, 5 and 12-14 were rejected under 35 U.S.C. §103(a) as unpatentable over *Lawrence et al.* in view of *Cullen* (US 5,069,694). Applicant respectfully traverses.

Applicant reasserts here the arguments set forth above regarding the substantial differences between the claimed invention and the *Lawrence et al.* teaching.

Cullen is directed to a packet for treating gaseous material by desiccation and/or absorption and for providing an envelope for absorbing gases that might affect the contents of the envelope. Thus, in the first embodiment, *Cullen* teaches providing an envelope that is sealed on all four sides to contain a filling (12) of suitable absorbent or granular bulk material such as silica gel, metal alumino silicate, etc. The sheets (13, 15) out of which the envelope is made are gas permeable (*Cullen* column 2, lines 24-26). The envelope thus formed is inserted into an environment where gaseous material having a plurality of undesirable components are to be removed, such as undesirable odor and moisture. The carbon-loaded paper envelope absorbs the undesirable odors and the bulk material (12) within the envelope absorbs the moisture (*Cullen* column 2, lines 54-60).

Cullen's other embodiment is an envelope for containing items which are to be protected from gases. The envelope has two sheets of carbon-loaded paper sealed along three sides so that

items to be protected, such as silverware, may be inserted and the open side sealed. When the sealed packet is placed in an environment containing gases, they are absorbed by the carbon-loaded paper and prevented from damaging the contents (*Cullen* column 3, lines 24-37).

Cullen teaches the use of carbon-loaded paper for creating a pouch to prevent gases from entering the pouch. In contrast, the present invention utilizes impregnated paper inside a gas impermeable container to contain gases within the container. This is the exact opposite of what *Cullen* is teaching. Moreover, both of the embodiments of *Cullen's* invention are directed to absorbing gaseous material from an environment.

The present invention in an exact opposite concept, is directed towards containing gaseous material within a seamless tube of puncture-resistant plastic.

Neither *Cullen* nor *Lawrence et al.* singly or in combination, disclose or contemplate a seamless tube of puncture-resistant plastic adapted to contain only one light bulb having an open end and sealed at the other end and means for sealing the open end after a spent light bulb is inserted inside the tube for providing a glass shard puncture-resistant gas impervious container "which further utilizes sulfur impregnated activated carbon granules in various forms inside the container for absorbing gases escaping from a broken tube sealed in the container."

Applicant respectfully requests that this rejection be withdrawn.

In light of the above amendment and remarks, Applicant respectfully submits that the claims under consideration are allowable, and requests early notification of same.

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 9, 2007.

Express Mail Label No.: EV 632760653 US

By: Marc Fregoso

Marc Fregoso

Signature

Dated: January 9, 2007

Very truly yours,

SNELL & WILMER L.L.P.



Albin H. Gess
Registration No. 25,726
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626
Telephone: (714) 427-7400
Facsimile: (714) 427-7799